

CALIFORNIA STATE PERSONNEL BOARD MEETING  
The Chateau Hotel & Conference Center  
4195 Solano Avenue  
Napa, California  
(707) 253-9300  
FAX (707) 253-0906

[www.spb.ca.gov](http://www.spb.ca.gov)

Public Session Location - Monticello Room

TWO-DAY BOARD MEETING - APRIL 5-6, 2001

FULL BOARD MEETING MINUTES

APRIL 5, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. A final draft of the State Personnel Board Strategic Plan has been prepared and will be discussed with staff and distributed later this month.

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3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

- A. Association of California Attorneys and Administrative Law Judges v. Department of Personnel Administration - On March 26, 2001, the Court of Appeal granted the Application to File Amicus Curiae brief of the Office of the Attorney General.
- B. State Personnel Board v. the Department of Personnel Administration/IUOE - The court has set the hearing on the Board's challenge to the Unit 11/12/13 MOU provisions providing for arbitration of disciplinary action for June 1, 2001.
- C. Department of Personnel Administration (DPA) v. State Personnel Board - DPA has filed an action challenging the Board's decision to disapprove the personal services contract entered into between DPA and private Arbitrator Cohn to arbitrate Unit 8 disciplinary appeals on the grounds that this is work that is and can be adequately and competently done by state administrative law judges.
- D. CDF Firefighters v. State Personnel Board - CDF Firefighters, the union that represents the Unit 8 employees, has also filed an action challenging the Board's decision disapproving the contract between Arbitrator Cohn and DPA.
- E. Moosa v. State Personnel Board/California State University - The Superior Court denied Moosa's writ of mandate, upholding the Board's modification of the five year demotion to a one year demotion on the grounds that Moosa failed to develop and submit an improvement plan as ordered by the Dean.
- F. Department of the Youth Authority (DYA) v. SPB/Pamela King - The Superior Court denied DYA's petition for writ of mandate, upholding the Board's precedential decision in this case based upon a finding that the petitioner's constitutional right

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to privacy was violated by the department's use of the medical information obtained in her psychiatric report that was generated as part of a worker's compensation proceeding to support a disciplinary action against her. The court disagreed with the Board's finding that the use of the report also violated the Confidentiality of Medical Information Act. The matter will be remanded to the Board so that the Board can consider modification of its precedential decision.

- G. International Union of Operating Engineers(IUOE) v. State of California - State Personnel Board was not a party to this action, but IUOE has provided a copy of the Superior Court's "Order Confirming Arbitration Award" for each of the Board members. The Order confirms an arbitration award reached in a Unit 12 disciplinary matter (Curry Thomas). The case also came before the Board in the form of a proposed decision by an Administrative Law Judge after the parties refused to proceed at a hearing on an appeal filed by Thomas. The Board rejected that proposed decision and the case is scheduled for oral argument next month.

OTHER

- A. Task Force on Medical Clearance Options to discuss the revision of the state's Health Questionnaire continues to meet. The new chief counsel of the Department of Fair Employment and Housing (DFEH), Peter Thompson, will join the group at its next meeting to provide the perspective of DFEH on implementation of the new law limiting medical inquiries.
- B. Task Force on Development of Whistleblower Regulations has finished its task and Board staff is reviewing the draft regulations that will be scheduled to come before the Board for informal hearing before beginning the formal APA process.
- C. Assemblymember Darrell Steinberg has requested an AG opinion on whether existing whistleblower protections apply to state and local government employed attorneys. If so, how do these protections interrelate with the duty of confidentiality these attorneys owe to their government entity client.

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How do other statutory protections affect this analysis?

- D. State and Consumer Services Agency is asking departments to respond to a number of questions about their processes for handling public record act requests and to keep a log of all public records requests received in April 2001.
- E. Commission on State Mandates has adopted a statewide cost estimate for implementation of the Peace Officers Procedural Bill of Rights and will be seeking \$152,506,000 in reimbursements on behalf of local agencies and school districts that employ peace officers.

4. REPORT ON LEGISLATION -Judy Balmain

The Board was advised of the following:

- A. SB 1006 (Soto) - Establishes a program to reimburse new and incumbent state employees for college expenses (Board Sponsored) passed the Senate Public Employees and Retirement Committee
- B. SB 1161 (Polanco) - Implements several of the recommendations from the diversity task force "Report to the Governor on Outreach Options" passed the Senate Public Employees and Retirement Committee

The State Personnel Board voted on the following Legislative bill:

- A. AB 1015 (Wright) - Would make it an unlawful employment practice to engage in specified employment discrimination based on a person's lawful conduct that occurs away from work and outside the work hours.  
Oppose unless amended  
VOTE: Alvarado, Elkins, Bos, Carpenter,  
Harrigan - Aye.

5. PERS UPDATE - Sean Harrigan  
(Report given by Kathie Vaughn)

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The Board was advised of the following:

- A. State Personnel Board staff presented a report on the significant issues that have come before the California Public Employees Retirement System (CalPERS) during the first quarter of 2001. Significant issues discussed included ongoing diversification of the \$165 billion fund; development of factors for the active management of emerging market investment; management of health plan rate increases; benefit adequacy studies; modification of election regulations; and accomplishments of the AdHOC Governance Committee. State Personnel Board member Sean Harrigan represents the SPB on the CalPERS Board of Administration, serving as Vice Chair of the Investment Committee, Chair of the AdHoc Governance Committee, and member of Health Benefits and Benefits Program Administration committees.

6. ORAL ARGUMENT

Oral argument in the matter of MICHAEL BURVANT, M.D., CASE NO. 00-0854. Appeal from dismissal. Department of Corrections.

Persons Participating:

Roger M. Miller, Attorney at Law, representing appellant Michael R. Skow, Staff Counsel, representing Department of Corrections

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of CHARLES ALEXANDER, CASE NO. 98-2768 AND RICHARD NEWTON, CASE NO. 98-2769. Whistleblower/retaliation complaint appeal. Department of Corrections.

Persons Participating:

Dave Mastagni, Attorney at Law, representing appellants Barbara Sheldon, Legal Counsel, representing Department of Corrections

ACTION: Submitted

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8. HEARING - THE DEPARTMENT OF HEALTH SERVICES PROPOSES TO ESTABLISH TWO NEW SUPERVISORY PEACE OFFICER CLASSIFICATIONS: CHIEF, FOOD AND DRUG UNIT AND CHIEF, FOOD AND DRUG SECTION; TO ESTABLISH 12-MONTH PROBATIONARY PERIODS FOR BOTH CLASSES; AND TO DESIGNATE CLASSES AS "SENSITIVE" FOR THE PURPOSE OF PRE-EMPLOYMENT DRUG TESTING.

Persons Participating:

Sue Ong, State Personnel staff  
Stuart Richardson, Chief, Food & Drug Branch for Health Services

ACTION: Adopted staff's recommendation on April 6, 2001.  
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.  
Carpenter abstained.

9. ORAL ARGUMENT  
Oral argument in the matter of JOSEPH F. KENNEY, CASE NO. 00-0042. Appeal from dismissal. Department of Justice.

Persons Participating:

Jim Whalen, Legal Representative, CAUSE, representing appellant  
Christine Mersten, Deputy Attorney General, representing Department of Justice

ACTION: Submitted

10. ORAL ARGUMENT  
Oral argument in the matter of JOHN FLORES, CASE NO. 99-3499. Appeal from dismissal. Department of Mental Health.

Persons Participating:

Ira Salzman, Esq., representing appellant  
Linda Nelson, Legal Counsel, Department of Personnel Administration, representing Department of Mental Health

ACTION: Submitted

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11. ORAL ARGUMENT

Oral argument in the matter of STACY ROBERTSON, CASE NO. 00-2229. Appeal from dismissal. Department of Corrections.

(No oral argument was held - written testimony presented)

ACTION: Submitted

12. ORAL ARGUMENT

Oral argument in the matter of FERNANDO V. GANDARA, JR., CASE NO. 99-3867. Discrimination/retaliation complaint appeal.

Department of Veterans Affairs.

Persons Participating:

Fernando Acosta, Attorney at Law, representing appellant  
Charles DeCuir, Legal Counsel, representing Department of  
Veterans Affairs

ACTION: Submitted

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CONCURRENT BOARD MEETING MINUTES

APRIL 6, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member

2. ORAL ARGUMENT

Oral argument in the matter of KRISTINA HUTCHINGS, CASE NO. 00-0353. Appeal from five percent reduction in salary for six pay periods. State Board of Equalization.

Persons Participating:

Ron Ainsworth, Attorney at Law, CSEA, representing  
appellant  
W. Gregory Day, Legal Counsel, representing State Board  
of Equalization

ACTION: Submitted



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3. ORAL ARGUMENT

Oral argument in the matter of STAFFORD LEWIS, CASE NO. 99-5021. Appeal from dismissal. Department of Corrections.

Persons Participating:

Richard Burton, Attorney at Law, representing appellant Joan Branin, Legal Counsel, Department of Personnel Administration, representing Department of Corrections

ACTION: Submitted

4. ORAL ARGUMENT

Oral argument in the matter of MARK SPECTOR, CASE NO. 00-0363. Appeal from dismissal. Department of Developmental Services.

(No oral argument was held - written testimony presented)

ACTION: Submitted

5. ORAL ARGUMENT

Oral argument in the matter of RUSSELL KOHR, CASE NO. 00-0844. Appeal from 30-calendar days suspension. Department of Mental Health.

Persons Participating:

Ken Murch, Attorney at Law, representing appellant Department of Mental Health not present

ACTION: Submitted

BOARD ACTIONS

6. STATE PERSONNEL BOARD SUMMARY MINUTES OF MARCH 20, 2001

ACTION: Adopted on April 6, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.  
Harrigan abstained.

7. ACTION ON SUBMITTED ITEMS

ACTION: See pages 12-13.

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8. ADMINISTRATIVE LAW JUDGE CASES

On April 6, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

REJECTED AND REMANDED DECISION

FRED L. OWENS, CASE NO. 00-1134

Appeal from Dismissal

Department of the Youth Authority

ACTION: Dismissal modified to a demotion

CHIEF COUNSEL RESOLUTION

JOHN P. MCGREADY, CASE NO. 00-2179

Appeal from Back Pay

Department of the Youth Authority

ACTION: Back pay, benefits and interest awarded

MANUEL LEONARD, CASE NO. 00-3009

Appeal from dismissal

Department of Corrections

ACTION: Stipulation and settlement agreement approved

PROPOSED DECISIONS

JAMES R. MORY, CASE NO. 00-1110

Appeal from dismissal

Youth Correctional Counselor

Herman G. Stark Youth Correctional Facility

Department of the Youth Authority

ACTION: Dismissal revoked

FRANCISCO HURTADO, CASE NO. 00-1715

Appeal from demotion from the position of Correctional Lieutenant to the position of Correctional Officer

Chuckawalla Valley State Prison

Department of Corrections

ACTION: Demotion sustained

JAMES STOTLER, CASE NO. 00-2830

Appeal from dismissal

California State University, Northridge

California State University (CSU)

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ACTION: Dismissal modified to a 30- calendar day's suspension

JEROME HOUCK, CASE NO. 00-3190

Appeal from dismissal

Caltrans Equipment Operator

Department of Transportation

ACTION: Dismissal modified to a five working days suspension

DAVID RICHARDS, CASE NO. 00-3273

Appeal from ten working days suspension

California Highway Patrol Officer

Department of California Highway Patrol

ACTION: Ten working days suspension sustained

DONNA L. WANLASS, CASE NO. 00-3557

Appeal from official reprimand

Communications Operator II

Department of California Highway Patrol

ACTION: Official reprimand revoked

DON T. CIMARUSTI, CASE NO. 99-1898

Appeal from dismissal

Youth Correctional Officer

Fred C. Nelles Youth Correctional Facility

Department of the Youth Authority

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

LARRY A. COON, CASE NO. 99-2019

Appeal from dismissal

Youth Correctional Officer

Fred C. Nelles Youth Correctional Facility

Department of the Youth Authority

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

JOHN M. SAFFOLD, CASE NO. 99-2014

Appeal from dismissal

Youth Correctional Officer

Fred C. Nelles Youth Correctional Facility

Department of the Youth Authority

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ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

ROBERT EDWARDS, JR., CASE NO. 99-4497

Appeal from discrimination and retaliation

Correctional Administrator

Corcoran Substance Abuse Treatment Facility

Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

ELWOOD EVANS, CASE NO. 00-3132

Appeal from five-percent reduction

in salary for three pay periods

Automobile Mechanic

Department of Parks and Recreation

ACTION: Five percent reduction in salary for three pay periods sustained

THOMAS NORTON, CASE NO. 00-4102

Appeal from Formal Reprimand

Correctional Officer

California Institute for Women

Department of Corrections

ACTION: Formal reprimand revoked

BARBARA S. CHAPMAN, CASE NO. 00-3120

Appeal from reinstatement

Assistant Professor

San Marcos - California State University

California State University

ACTION: Reinstatement denied

ROBERT BRUMBACK, CASE NO. 00-4300

Appeal from three working days suspension

Employment Services Supervisor

Department of Social Services County of Mendocino

ACTION: Three working days suspension sustained

GREGORY KAUFFMAN, CASE NO. 99-5035

Appeal from demotion of Supervision Ranger

to the position of State Park Ranger

Department of Parks and Recreation

ACTION: Permanent demotion modified to a temporary demotion for 18 months

CHARLES R. JONES, CASE NO. 00-1977

Appeal from dismissal

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Medical Technical Assistant  
Susanville California Correctional Center  
Department of Corrections  
ACTION: Dismissal revoked

KEVIN D. GOOLSBY, CASE NO. 00-3023  
Appeal from one step reduction in salary for six months  
Motor Vehicle Field Representative (Range A)  
Department of Motor Vehicles  
ACTION: One-step reduction in salary for six months  
modified to a one-step reduction in salary for three  
months

RAY HILL, CASE NO. 00-3108  
Appeal from one-step reduction in salary for six months  
Correctional Officer  
Vacaville - California Medical Facility  
Department of Corrections  
ACTION: One-step reduction in salary for six months  
revoked

LUKE SHENOY, CASE NO. 98-2672S  
Appeal for enforcement of stipulation of settlement  
System Software Specialist I (Tech)  
Teale Data Center  
ACTION: Request for specific enforcement of stipulation  
of settlement denied

ANTONIO G. LOPEZ, CASE NO. 99-4719  
Appeal from ten percent reduction in salary for 12 months  
Assistant Information Systems Analyst  
Teale Data Center  
ACTION: Ten percent reduction in salary for 12 months  
sustained

DORVALINA B. DURAN, CASE NO. 00-3122  
Appeal from dismissal  
Motor Vehicle Field Representative (Range A)  
Department of Motor Vehicles  
ACTION: Dismissal revoked

PETITIONS FOR REHEARING CASES

CASSANDRA Y. CLADY, CASE NO. 00-3080P

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Appeal from five percent reduction in salary for five months

Senior Tax Compliance Representative

Employment Development Department

ACTION: Petition for rehearing filed by appellant  
Granted

9. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 14-17.

10. WITHHOLD APPEALS

On April 6, 2001, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. REFUGIO L. NEWELL, CASE NO. 00-1250  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

B. YELENA AVESTISYAN, CASE NO. 00-4279  
Classification: Motor Vehicle Field Rep  
Department of Motor Vehicles  
ACTION: GRANTED

C. RANDALL L. JONES, CASE NO. 00-2313  
Classification: Caltrans Landscape  
Maintenance Worker  
Department of Transportation  
ACTION: WITHDRAWN

D. CARY CATRON, CASE NO. 00-3337  
Classification: Medical Tech Assistant  
Department of the Youth Authority  
ACTION: GRANTED

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- E. GEORGE ROJAS, CASE NO. 00-3092  
Classification: Correctional Officer  
Department of Corrections  
Action: DENIED
- F. JAMES C. SHARPE, CASE NO. 00-1756  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: GRANTED
- G. MARTIN ARRIAGA, CASE NO. 00-3753  
Classification: Youth Correctional Officer  
Department of the Youth Authority  
ACTION: GRANTED
- H. DAVID F. BATTLE, CASE NO. 00-3804  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- I. MARICOR CONCEPCION, CASE NO. 00-1767  
Classification: Transportation Engineer  
(Civil)  
Department of Transportation  
ACTION: DENIED
- J. JAMIE SWIDECKI, CASE NO. 00-2318  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- K. JUAN R. GONZALEZ, CASE NO. 00-2978  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- L. KEVIN HICKS, CASE NO. 00-2997  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED
- M. OLIVER KASEENE, CASE NO. 00-0909  
Classification: Psychiatric Technician  
Trainee  
Department of Developmental Services  
ACTION: DENIED

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11. MEDICAL APPEALS

On April 6, 2001, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- A. ERIC J. COX, CASE NO. 00-2710  
Classification: Correctional Officer  
State Personnel Board  
ACTION: DENIED
- B. CHRISTOPHER H. LOTT, CASE NO. 00-3521  
Classification: Special Investigator I  
State Personnel Board  
ACTION: DISMISSED
- C. MICHELLE D. MONTEITH, CASE NO. 00-3856  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED
- D. SHEREE MCRAE, CASE NO. 00-3846  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

12. EXAMINATION APPEALS - "A"

MERIT ISSUE COMPLAINTS - NONE PRESENTED

- A. JOEL S. JACOBS, CASE NO. 00-1017  
Classification: Deputy Attorney General III  
Department of Justice  
ACTION: WITHDRAWN

13. REQUEST TO FILE CHARGES CASES

PETITIONS FOR REHEARING

On April 6, 2001, the Board took the following actions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- A. JULIUS M. ENGEL, CASE NO. 00-2556  
Classification: Member of general public  
ACTION: DENIED



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B. FERNANDO GANDARA, CASE NO. 00-3435  
Classification: Business Services Assistant  
Department of Veterans Affairs  
ACTION: SUBMITTED

C. ROBERT JACKSON, CASE NO. 99-4922P  
Classification: Special Agent  
Department of Justice  
ACTION: DENIED

14. NON-HEARING CALENDAR

On April 6, 2001, the Board adopted item "A". This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. CORRECTIONAL CONSULTANT, CPOST SERIES  
CORRECTIONAL CONSULTANT I, CPOST  
CORRECTIONAL CONSULTANT II, CPOST  
SENIOR CORRECTIONAL CONSULTANT, CPOST  
The Commission on Correctional Peace Officer Standards and Training (CPOST) proposes the establishment of a new class series of Correctional Consultant, CPOST to include the classes of Correctional Consultant I, CPOST, Correctional Consultant II, CPOST and Senior Correctional Consultant, CPOST; and the establishment of a 12-month probationary period for each class in the series.

15. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT SECRETARY, PROGRAM AND FISCAL AFFAIRS  
The California Health and Human Services Agency is requesting to allocate the above position to the CEA category. The Assistant Secretary is the principal advisor to the Secretary, the Deputy Secretary, and other senior Agency staff on program policy and fiscal policy matters for the Employment Development Department and the California Workforce Investment Board. The Department indicates that the position is at the

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third organizational level and will report to the Deputy Secretary, Program and Fiscal Affairs.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) CHIEF OF PUBLIC INFORMATION, OUTREACH AND MARKETING  
The California Gambling Control Commission has withdrawn the above CEA request.
- (2) CHIEF, HUMAN RESOURCES BRANCH  
The Prison Industry Authority's request to allocate the above position to the CEA category has been disapproved.
- (3) DEPUTY DIRECTOR, PARK DESIGN & CONSTRUCTION  
The Department of Parks and Recreation's request to allocate the above position to the CEA category has been approved effective March 5, 2001.
- (4) CHIEF, EGOVERNMENT AND SPECIAL PROGRAMS DIVISION  
The Department of Consumer Affairs' request to allocate the above position to the CEA category has been approved effective March 9, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) CHIEF, PROGRAM MANAGEMENT AND ANALYSIS BUREAU  
The State Controller's Office is requesting to refill the above position.
- (2) ASSISTANT COMMISSIONER, OFFICE OF POLICY  
The Department of Corporations is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) CHIEF, MEMBER SERVICES DIVISION

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The California Public Employees Retirement System's request to refill the above position has been approved effective March 5, 2001.

- (2) DEPUTY DIRECTOR, QUALITY ASSURANCE DIVISION  
The Department of Alcohol and Drug Programs' request to refill the above position has been approved effective March 9, 2001.

- (3) INSURANCE SERVICES MANAGER  
UNDERWRITING MANAGER  
The State Compensation Insurance Fund's request to refill the above position has been disapproved.

ACTION: Noted

A D J O U R N M E N T

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SUBMITTED

1. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and transfer. Department of Corrections. (Oral argument held November 1, 2000).

ACTION: On April 6, 2001, adopted Board decision denying reasonable accommodation and revoking medical demotion.\*

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

Alvarado not voting.

2. CARLA EGGMAN-GARRETT, CASE NO. 00-0008. Appeal from rejection during probationary period. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

3. LAQUITA PETERSON, CASE NO. 99-5285. Appeal from demotion. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

4. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held February 6, 2001).

NO ACTION

5. ANA G. GOMEZ, CASE NO. 99-4831. Appeal from 10% salary reduction for six pay periods. Department of the Youth Authority. (Oral argument held March 6, 2001).

ACTION: On April 6, 2001, adopted Board decision modifying 10% reduction in salary for six pay periods to an official reprimand.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

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\*Adopted as Precedential Decision(s) #'s 01-01. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

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6. RANDOLPH HARTHORN, CASE NO. 99-3175. Appeal from dismissal. Department of Developmental Services. (Oral argument held March 6, 2001).

ACTION: On April 6, 2001, adopted Board decision revoking dismissal.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

7. JILL MCNAMARA, CASE NO. 98-4252. Appeal from dismissal. California Highway Patrol. (Oral argument held March 6, 2001).

ACTION: On April 6, 2001, adopted Board decision sustaining dismissal.

VOTE: Alvarado, Elkins, Carpenter, Harrigan - Aye.  
Bos dissented.

8. ROMONDO SIZEMORE, CASE NO. 00-0418. Appeal from dismissal. Department of Corrections. (Oral argument held March 6, 2001).

NO ACTION

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**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.



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**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on April 6, 2001.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.